

Lyons Creek MHC, LLC
1007 Lower Pindell Road
Lothian, MD 20711

February 1, 2021

VIA ELECTRONIC AND FIRST CLASS MAIL

(Greenwald.Michael@epa.gov)

Mr. Michael Greenwald
NPDES Enforcement Section
U.S. Environmental Protection Agency
Region III
1650 Arch Street (3ED32)
Philadelphia, PA 19103-2029

**Re: CWA Compliance Inspection Report
Lyons Creek MHC, LLC (3E21WN003A)
Issued to Lyons Creek MHC, LLC**

Dear Mr. Greenwald:

This letter and exhibits respond to the U.S. Environmental Protection Agency's ("EPA") January 13, 2021 Compliance Inspection Report (the "Report") issued to Lyons Creek MHC, LLC ("Lyons Creek"). Although the EPA requested a response from Lyons Creek by January 29, 2021 identifying any inaccuracies in the Report or providing any supplemental information, we were not able to obtain all information necessary for this letter until today.

The "On-Site Facility Inspection Overview" portion of the Report states that Horizon Land Company, LLC is "defined for the purpose of this report as Discharger." This statement is repeated in the Executive Summary and the Introduction. We do not understand why the Report makes this assertion, as the National Pollutant Discharge Elimination System ("NPDES") permit (the "Permit") for the referenced facility is Lyons Creek. Accordingly, we do not agree that Horizon Land Company, LLC is properly considered a Discharger and we believe that should be corrected.

EPA made nine (9) observations in the Report, some of which are responded to individually below. For convenience, the numbered observations are reproduced in bold text, followed by our responses. We are available to discuss with EPA the information contained in this letter.

Finally, while we desire to cooperate with EPA in this matter, we must state that nothing in this letter, or the absence of a response with respect to one or more observations, should be construed as an admission of liability, and we reserve all rights to contest any

alleged violations or liability in the future. Moreover, nothing provided in response to the Report should be construed as a waiver of any applicable legal privilege, either with respect to information and/or documents being provided, or with respect to information and/or documents that may be requested or provided in the future.

OBSERVATION 1: The Plant experienced 22 effluent limit exceedances from Outfall 001 between January 1, 2017 and October 31, 2020.

RESPONSE: As was discussed during the December 1, 2020 site inspection, Singh Operational Services, Inc. has been retained to operate and maintain the Lyons Creek WWTP following prior operation by other third-party contractors. Mr. Singh indicated his company is making operational improvements at the WWTP, but has more work to do. Lyons Creek believes the change in contract operational responsibility will result in enhanced operation and fewer exceedances moving forward.

OBSERVATION 2: Of the 22 effluent exceedances from Outfall 001, approximately 19 were related to total suspended solids (TSS). The Inspectors made multiple observations related to solids management at the Plant (see Observations 2 and 3 for details).

RESPONSE: See response to Observation 1.

OBSERVATION 3: The Inspectors made several observations related to operations and maintenance at the Plant.

RESPONSE: In general, these observations are reflective of conditions at the time of the inspection. The clarifier skimmer arm has not been utilized at the WWTP for a number of years after it was removed by a wastewater contractor, and the skimmer arm is beyond repair and would require custom fabrication to obtain a replacement. Subsequent to the December 1 inspection, our current contract operator identified an organic defoamer that is successfully removing foam from the clarifier surface, and a photo of the clarifier is attached for review. Also, the outer ring of the WWTP has solid fill in it and cannot be used for additional capacity or emergency storage. That may not have been evident during the inspection.

OBSERVATION 4: The Plant's rotary cloth filter unit was not in operation at the time of the inspection.

RESPONSE: It is correct that the cloth filter unit was not in operation at the time of the inspection. The cloth filter unit is obsolete and has not been functional during Lyons Creek's ownership of the Plant.

OBSERVATION 5: The UV transmittance indicator was flashing at the time of the inspection and read 0.4-0.5 mW/cm².

RESPONSE: We have communicated with the manufacturer of the sensors on the UV equipment, and they confirmed that the flashing is an indication that fouling may be present on the UV lamp sleeves. The flashing serves as an indication that the operator should review for fouling, and Singh Operational Services will do this and address any identified issues. Moreover, since the inspection, we replaced the lamp sleeve kit and ballast, and the unit is operating as designed. A copy of the receipt for this equipment is attached.

OBSERVATION 6: The Inspectors observed a tall green rectangular filter unit downstream of the UV system, prior to the final effluent channel and discharge location.

RESPONSE: No specific comments regarding this observation. To our knowledge, this filter was not operational when Lyons Creek was acquired.

OBSERVATION 7: The Discharger did not have a Plant operations and maintenance (O&M) manual or standard operating procedures (SOPs) for critical Plant processes at the time of the inspection.

RESPONSE: Singh Operational Services, Inc. is in the process of drafting an O&M manual for the WWTP. We will provide a copy of the O&M manual to the MDE and EPA upon completion.

OBSERVATION 8: The Inspectors observed the Plant's discharge to be going into a pipe located in a hole in the ground upstream of Outfall 001.

RESPONSE: Repairs will be made in the area of this discharge before the end of February. The repairs will help ensure that no sedimentation can be transmitted to Lyons Creek in this manner.

OBSERVATION 9: The Plant averaged within 80 percent of the design flow (i.e. 56,000 gallons per day (GPD)) 29 times during the Permit term and higher than the design flow 10 times during the Permit term.

RESPONSE: Singh Operational Services, Inc. is preparing a Wastewater Capacity Management Plan and will submit it to the MDE using NetDMR. Thereafter, a Wastewater Flow Capacity Report (WFCR) and worksheet for the WFCR will be submitted to the MDE on an annual basis.

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We hope the foregoing information is helpful to EPA, and we remain available to answer any further questions. If a further technical meeting would be helpful, we can certainly schedule that as well. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RD' with a long horizontal stroke extending to the right.

Lyons Creek MHC, LLC
By: Rikki Drykerman, General Counsel

Atts.: Photo and invoice

cc: Shailaja Polasi (MDE)



Singh Operational Services, Inc.

4360 Powellville Road
Pittsville, MD 21850

Phone # 717-464-7395

E-mail lwalrath@singh-ops.com

Invoice

Date	Invoice #
1/22/2021	18692

Bill To

Horizon Land Management
Lyons Creek MHC, LLC. WWTP & WTP

P.O. No.	Terms	Due Date		
	Net 30	2/21/2021		
Description		Qty	Rate	Amount
331014-002 Lamp Sleeve Kit, 64" PTP/3B		2	406.18	812.36
302403 Ballast 120V/60 HZ		1	287.86	287.86
Service Technician Labor Approximate		0.8276	400.00	331.04
Service Technician Labor Approximate		0	400.00	
Service Technician Labor Approximate		0	0.00	0.00
Trojan UV Freight			35.35	35.35
All part and labor above were for Troajn UV Work by Heyward at Lyons Creek MHC WWTP.				
			Total	\$1,466.61

PLEASE REMIT PAYMENTS TO:
4360 POWELLVILLE RD.
PITTSVILLE, MD 21850